

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
Marc E. Kasowitz (mkasowitz@kasowitz.com)
Mark W. Lerner (mlerner@kasowitz.com)
Blythe E. Lovinger (blovinger@kasowitz.com)
Garrett D. Kennedy (gkenedy@kasowitz.com)
1633 Broadway
New York, New York 10019
Tel.: (212) 506-1700

Attorneys for Defendants

NYP Holdings, Inc., d/b/a the New York Post,
Michelle Gotthelf and Daniel Greenfield

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AUSTIN FENNER and
IKIMULISA LIVINGSTON,

Plaintiffs,

vs.

NEWS CORPORATION, NYP HOLDINGS,
INC., d/b/a THE NEW YORK POST,
MICHELLE GOTTHELF and, DANIEL
GREENFIELD, in their official and individual
capacities,

Defendants.
-----X

Civil No. 09 CV 9832 (LGS)

Oral Argument Requested

**DEFENDANT NYP HOLDINGS, INC., MICHELLE GOTTHELF, AND DANIEL
GREENFIELD'S NOTICE OF MOTION FOR SUMMARY JUDGMENT AGAINST
PLAINTIFFS AUSTIN FENNER AND IKIMULISA LIVINGSTON**

PLEASE TAKE NOTICE that, upon defendants NYP Holdings, Inc., d/b/a the New York Post's, Michelle Gotthelf's, and Daniel Greenfield's (together, "Defendants") Motion to the Court dated May 10, 2013, the accompanying Memorandum of Law, the accompanying Local Rule 56.1 Statement of Undisputed Facts, the attached Declaration of Mark W. Lerner, Esq., dated May 10, 2013, with supporting exhibits, the attached Declaration of Garrett D. Kennedy,

Esq., with supporting exhibits, as well as the sworn Affidavits of Michelle Gotthelf, dated May 9, 2013, Daniel Greenfield, dated May 8, 2013, and Jeanne Macintosh, dated May 9, 2013, Defendants hereby move this Court before the Honorable Lorna G. Schofield for the Southern District of New York, 500 Pearl Street, New York, New York, for an order, pursuant to Federal Rule of Civil Procedure 56, granting summary judgment against plaintiffs Austin Fenner and Ikimulisa Livingston on their Third Amended Complaint in its entirety.

In accordance with the Court's March 28, 2013 order, moving papers shall be filed on or before May 10, 2013; answering papers shall be served on or before May 24, 2013; and any reply papers shall be served on or before May 31, 2013. Oral argument is hereby requested.

Dated: New York, New York
May 10, 2013

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

By: /s/ Mark W. Lerner

Marc E. Kasowitz (mkasowitz@kasowitz.com)
Mark W. Lerner (mlerner@kasowitz.com)
Blythe E. Lovinger (blovinger@kasowitz.com)
Garrett D. Kennedy (gkenedy@kasowitz.com)

1633 Broadway
New York, New York 10019
Tel.: (212) 506-1700
Fax: (212) 506-1800

Attorneys for Defendants News Corporation,
NYP Holdings, Inc., d/b/a the New York Post,
Michelle Gotthelf and Daniel Greenfield

To: Douglas H. Wigdor
Lawrence M. Pearson
Thompson Wigdor LLP
85 Fifth Avenue
New York, New York 10003
*Attorneys for Plaintiffs Austin Fenner
And Ikimulisa Livingston*